



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,175	11/15/2000	Yusuke Itaba	400925	5910

23548 7590 04/21/2004  
LEYDIG VOIT & MAYER, LTD  
700 THIRTEENTH ST. NW  
SUITE 300  
WASHINGTON, DC 20005-3960

EXAMINER
----------

SAID, MANSOUR M

ART UNIT	PAPER NUMBER
----------	--------------

2673

DATE MAILED: 04/21/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/712,175

Applicant(s)

ITABA ET AL.

Examiner

MANSOUR M SAID

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

- 1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 2. Claims 1-8, 10 and 12-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukuda et al. (6,163,318; hereinafter referred to as Fukuda).**

As to claim 1, Fukuda teaches a peripheral device (CRT or LCD) (abstract) of comprising display means (display, (figure 1, (8)) and column 4, lines 1-21) on which a plurality of windows are displayed (windows, (figures 2, 8, 12, 13-15 and 17, (W1-W4)) and abstract; column 4, lines 21-29; column 5, lines 35-45 and column 6, lines 15-24); and managing means (window management section, (figure 1, (3) for outputting processing requests that request execution of monitoring processes and for outputting (figures 3 & 6-7; column 4, lines 1-18 and column 5, lines 15-67), when receiving a processing result of the monitoring processes that are based on the processing requests and the processing result received to the windows (figures 3-17; column 4, lines 1-56; column; column 5, lines 15-67; column 6, lines 15-24; column 8, lines 9-40 and column 9, lines 20-40).

As to claim 2, Fukuda teaches an input means (input section, (figure 1, (1)) in which the output periods (display, (figure 1, (8)) of the processing requests that are output from the

Art Unit: 2673

managing means (window management section, (figure 1, (3))) are set for the respective programmable controllers corresponding to the respective windows (figures 1, & 6-7 and column 5, lines 15-67), wherein the managing means outputs (window management section, (figure 1, (3))) the processing requests to the programmable controllers based on the output periods that have been set in the input means (column 4, lines 55-67; column 4, lines 1-19 and column 5, lines 15-67).

**As to claim 3**, Fukuda teaches an input means (input section, (figure 1, (1))) for selecting an arbitrary window from the plurality of windows (windows, (figure 2, (W1-W4)) (figures 1-2 and column 3, lines 55-67 and column 4, lines 1-41), wherein the managing means outputs a processing request to only to a programmable controller corresponding to the selected window (figures 1-2 & 6-7, and column 5, lines 15-67).

**As to claim 4**, Fukuda teaches an input means (input section, (figure 1, (1))) for selecting an arbitrary window from the plurality of windows the managing means (window management section, (figure 1, (3))) switches the output period of the processing request that is output to the programmable controller in accordance with whether the programmable controller corresponds to the window that has been selected by the input means (figures 1-2 & 6-7; column 3, lines 55-67 and column 4, lines 1-41 and column 5, lines 15-67).

**As to claim 5**, Fukuda teaches an output period of a processing request that is output to a programmable controller corresponding to the window that has been selected by the input means is shorter than an output period of a processing request that is output to a programmable controller corresponding to a window that has not been selected (figures 6-7 & 9; column 5, lines 15-67; column 8, lines 8-40 and column 9, lines 20-40).

Art Unit: 2673

**As to claim 6**, Fukuda teaches an input means (input section, (figure 1, (1))) for selecting an arbitrary window from the plurality of windows (figures 1 & 13-15 and column 3, lines 55-67 and column 4, lines 1-30); and a timer for measuring for each of the plurality of windows (figures 1-2, 4 & 6; column 4, lines 51-57 and column 5, lines 15-36), a time during which the arbitrary window is selected by the input means (input section, (figure 1, (1))) (figures 1-2, 4 & 6; column 3, lines 55-67; column 4, lines 1-41; column 4, lines 51-57 and column 5, lines 15-36), wherein the managing means (window management section, (figure 1, (3))) outputs the processing requests to the respective programmable controllers corresponding to the respective windows at output periods that are based on the times that have been measured by the timer (figures 1-2, 4 & 6; column 3, lines 55-67; column 4, lines 1-41; column 4, lines 51-57 and column 5, lines 15-36)

**As to claim 7**, Fukuda teaches the output period of the processing request that is output to the programmable controller corresponding to the arbitrary window is obtained by selecting a maximum value from the times during which the respective windows have been selected by the input means (input section, (figure 1, (1))) (figures 4 & 6; column 4, lines 42-67 and column 5, lines 15-67) and that have been measured by the timer dividing the selected maximum value (detect MAX window, (figure 16, (S81))) by the time of the arbitrary window (figures 4 & 6; column 4, lines 42-67; column 5, lines 15-67 and column 8, lines 29-40), and multiplying a resulting quotient by a reference period that is input through the input means (input section, (figure 1, (1))) (figures 1-2, 4, & 6-7, column 3, lines 55-67; column 4, lines 1-41; column 4, lines 51-57 and column 5, lines 15-67).

**As to claim 8**, Fukuda teaches an input means (input section, (figure 1, (1)) for specifying a portion of a window (figures 1-2; column 3, lines 55-67 and column 4, lines 1-29); wherein the managing means (window management section, (figure 1, (3))) outputs a processing request that requests execution by the programmable controller of a monitoring process relating only the portion of the window specified (figure 3, (column 3, lines 5-10; column 7, lines 30-45 and column 8, lines 1-33)), and receives a processing result of the monitoring process of the programmable controller that relates only to the portion of the window specified based on the processing request (figures 1-2, 4, & 6-7, column 3, lines 55-67; column 4, lines 1-41; column 4, lines 51-57 and column 5, lines 15-67).

**As to claim 10**, Fukuda teaches wherein characterized in that the processing results of the monitoring processes in the programmable controllers that are output to the windows are updated at updating periods that are different for the respective programmable controllers based on the output periods of the processing requests that were output from the managing means to the programmable controllers (figures 1-2, 4, & 6-7, column 3, lines 55-67; column 4, lines 1-41; column 4, lines 51-57 and column 5, lines 15-67).

**As to claim 12**, Fukuda teaches setting with input means (input section, (figure 1, (1))), the output periods of the processing requests for the respective programmable controllers corresponding to the respective windows (figures 1 & 6-7 and column 5, lines 15-67), wherein the processing requests are output based on the output periods that have been set with the input means (column 4, lines 1-19; column 4, lines 55-67 and column 5, lines 15-67).

**As to claim 13**, Fukuda teaches comprising selecting with input means (input section, (figure 1, (1))), an arbitrary window from the plurality of windows (windows, (figure 2, (W1-

W4)); (figures 1-2; column 3, lines 55-67 and column 4, lines 1-41), wherein processing requests are output only to a programmable controller corresponding to the window (figures 1-2 & 6-7 and column 5, lines 15-67).

**As to claim 14**, Fukuda teaches selecting with input means (input section, (figure 1, (1)), an arbitrary a window (figures 1-2 and column 4, lines 1-29), wherein processing requests are output while switching the output period of the processing request that is output to the programmable controller in accordance with whether the programmable controller corresponds to the window that has been selected with the input means (figures 1-2 & 6-6; column 1, lines 25-35; column 3, lines 55-67; column 4, lines 1-41 and column 5, lines 15-67).

**As to claim 15**, Fukuda teaches selecting with input means (input section, (figure 1, (1)), an arbitrary window from the plurality of windows (windows, (figure 2, (W1-W4)) (figures 1-2; column 3, lines 55-67 and column 4, lines 1-41); and measuring (selecting, (abstract) and accumulating (adding, (column 3, lines 47-50)) with a timer (time of formation; (column 4, lines 51-57 and column 5, lines 15-36)) for each of the plurality of windows (column 4, lines 1-29), a time during which the arbitrary window is selected with the input means(input section, (figure 1, (1)) (abstract and column 4, lines 51-57 and column 5, lines 15-36)), wherein the processing requests are outputs at output periods that are based on the times that have been measured with the timer (column 4, lines 51-57 and column 5, lines 15-36).

**As to claim 16**, Fukuda teaches an input means (input section, (figure 1, (1)), a portion of a window (figures 2-5; abstract and column 4, lines 1-29), wherein the processing request that requests a programmable controller corresponding to the window having the portion specified is

output to execute a monitoring process relating to the portion specified (figures 1-2, 4, & 6-7, column 3, lines 55-67; column 4, lines 1-41; column 4, lines 51-57 and column 5, lines 15-67).

As to claim 17, Fukuda teaches wherein the processing results of the monitoring processes in the programmable controllers that are output to the windows are updated at updating periods that are different for the respective programmable controllers based on the output periods of the processing requests that were output from the managing means to the programmable controllers (figures 1-2, 4, & 6-7, column 3, lines 55-67; column 4, lines 1-41; column 4, lines 51-57 and column 5, lines 15-67).

***Claim Rejections - 35 USC § 103***

**3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

**(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.**

**4. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda in view of Ho et al. (5,739,821; hereinafter referred to as Ho).**

As to claim 9, Fukuda teaches all claimed limitation except that a portion of the window specified is a portion where an output result is indicated.

However, Ho teaches that a portion of the window specified is a portion where an output result is indicated (figures 2-4; abstract; column 4, lines 50-67 and column 5, lines 1-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Ho's display having window controller into Fukuda's device



so that a designating and displaying the detected window frame as appointed window frame over the monitor screen (abstract).

As to claim 11, Ho teaches a method monitoring of a peripheral device (computer system, (figure 3, (40)) comprising outputting processing requests that request execution of monitoring processes corresponding to respective windows being displayed on display means at output periods that are different (abstract; figures 3-5 & 8-11; column 5, lines 1-50 and column 8, lines 17-67); receiving, based on the output periods, processing results of the monitoring processes that are based on the processing requests (figure 3 and column 5, lines 1-25 and column 9, lines 5-67); and outputting the processing results received to the windows (figures 3-4 & 10-11 and column 5, lines 1-50).

### *Response to Arguments*

5. Applicant's arguments filed on 2/2/04 have been fully considered but they are not persuasive. On page 3, Applicant argued "Fukuda does not teach a managing means for outputting processing requests that requests the execution of a monitoring process; where the processing requests are output at output periods that are different for respective windows.

However, Examiner clearly explained on the interview that Fukuda fairly disclosed the claimed limitations such as "a managing means (window management section, (figure 1, (3)) for outputting processing requests that requests the execution of a monitoring process" (figures 3, & 6-7; column 4, lines 1-18 and column 5, lines 15-67).

The second argument such as “where the processing requests are output at output periods that are different for respective windows”, Examiner cited Ho reference to disclose such claimed limitations (abstract; figures 3-5 and column 8, lines 17-67).

Fukuda also clearly shows the processing result of the windows (the display overlapping window graphs is considered as the process result of the windows) (figures 2 and 6-8 and column 4, lines 1-18).

Applicant (on page 4) argued that Fukuda does not teach “an output period”.

However, Examiner respectfully disagrees, the claimed limitations “an output period” which is the processing requests to the respect windows (the display overlapping window graphs is considered the output resulted by the processing requests, such as windows graphics output) that is fairly disclosed by Fukuda (figures 1 & 6-7 and column 5, lines 15-35).

Applicant also on page 4 argued that Fukuda does not teach a timer of any kind.

However, Fukuda fairly teaches a timer for measuring for the plurality windows (the subroutine program forming the process of the windows in steps at a time formation) (column 4, lines 45-57).

Further more, Applicant (on page 4) argued that Fukuda and Ho fail to teach or suggest all of the limitations.

The combination of Fukuda and Ho disclose the claimed limitations, and therefore all references should be taken in combination and not individually. The Applicant cannot show non-obviousness by attacking references individually where, as here the rejections are based on combination of references. **In re Keller 208 USPQ 871 (CCPA 1981).**

*Conclusion*

6. **THIS OFFICE ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to **Mansour M. Said** whose telephone number is **(703) 306-5411**.

The examiner can normally be reached on Monday through Thursday from 8:30 a.m. to 6:00 p.m. The examiner can also be reached on alternate Friday from 8:30 a.m. to 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Shalwala Bipin**, can be reached at **(703) 305-4938**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Art Unit: 2673

Washington, D.C. 20231

Or faxed to:

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist)

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer service Office  
Whose telephone number is (703) 306-0377.

**Mansour M. Said**

April 18, 2004



**BIPIN SHALWALA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**